

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
E911 requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	
)	

**COMMENTS OF THE
TEXAS OFFICE OF PUBLIC UTILITY COUNSEL**

I. INTRODUCTION

The Texas Office of Public Utility Counsel (“Texas OPC”)¹ submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (NPRM) issued by the Commission in the above-captioned proceeding.

II. THE COMMISSION SHOULD EXTEND E911 REQUIREMENTS

As the Commission tentatively concluded in its *Order*,² the FCC should extend E911 obligations to all VoIP services where a consumer views themselves as interconnected to the PSTN. In particular this includes those services that enable users to

¹ TEXAS OPC is a state agency created by the Texas Legislature to represent the interest of residential and small commercial consumers involving telephone and electric utility issues. Public Utilities Regulatory Act, Tex. Govt. Code Ann. Sec. 13.001. (Vernon 1998).

² *In the Matters of IP-Enabled Services E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36, 05-196 and FCC 05-116, First Report and Order and Notice of Proposed Rulemaking (rel. June 3, 2005) (*Order*).

terminate calls to the PSTN. Where there can be an expectation of reaching someone on the “old network” then, as has been tragically proven in the recent past, there could be an expectation of the general public that 911/E911 services are available.³ If the consumer is able to place calls to telephones connected to the PSTN, it is reasonable for the consumer to expect to be able to dial 911. Texas OPC recommends that a provider of VoIP service offering that permits users to generally receive calls that originate on the PSTN and separately makes available a different offering that permits users generally to terminate calls to the PSTN to be subject to the rules established in the *Order*.

III. STATES ROLE

The NPRM seeks comment on what role the states can and should play to help implement the E911 rules and how the Commission and the states work together to ensure the public’s safety. States and local authorities have worked in the past with the Commission to monitor and implement 911/E911 for wireline and wireless services. Texas OPC believes continuing this relationship will be beneficial for implementing and monitoring 911/E911 access for VoIP services.

IV. CUSTOMER PRIVACY

Once the rules are implemented, interconnected VoIP service providers will be required to transmit a customer’s Registered Location to an appropriate PSAP. This requires the VoIP provider to maintain and provide the customer’s Registered Location information to the PSAP when the customer dials 911. As with wireline and wireless

³ See *Order* at fn 2.

calls to 911, the information provided should be used only for the purpose intended. Each company should have mechanisms put in place to ensure that customer information is not misappropriated and used for unintended purposes. Section 222 of the Telecommunications Act affords such privacy to customers of telecommunications carriers.⁴ Texas OPC recommends that the FCC should require similar privacy protections to interconnected VoIP consumers. The FCC has authority to do so by either classifying interconnected VoIP service as telecommunications providers or by asserting the FCC's authority to ensure public safety. Extending privacy requirements to VoIP services promotes competition, to not, would create a barrier. A consumer would not sign up for a service knowing that it must provide information, Registered Location, but that information is not afforded the same protection its wireline or wireless information. Just as a consumer had an expectation of being able to reach emergency services by dialing 911, the consumer also has an expectation of privacy regarding its location and number and other proprietary data.

V. CONCLUSION

Texas OPC's commends the Commission for taking its first steps in requiring VoIP service to provide access to 911/E911 services. Texas OPC thanks the Commission for being given this opportunity to comment on such important matters to the consumer.

Promoting the safety and welfare of all Americans.

Respectfully submitted,

⁴ 47 U.S.C. § 222(h)(3).

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